

# **Legislative Budget Commission Procedures**

## **AUTHORITY:**

Section 11.90, Florida Statutes  
Chapter 216, Florida Statutes

## **PURPOSE:**

The Legislative Budget Commission is a standing joint committee of the legislature created to:

- (a) Review and approve/disapprove agency requests to amend original approved budgets; (b) review agency spending plans;
- (c) Issue instructions and reports concerning zero-based budgeting; and
- (d) Take other actions related to the fiscal matters of the state, as authorized by statute.

## **POLICY:**

Meetings of the Legislative Budget Commission will be regularly scheduled throughout the fiscal year. An annual calendar of scheduled meetings and specific due dates for budget amendments to be received and processed is published on the Legislative Internet site (the Fiscal Year 2000-2001 calendar is included as Attachment 1). In a collaborative effort, the agency requesting the amendment, the Executive Office of the Governor, and legislative staff are responsible for the timely handling of all actions requiring legislative consultation or approval.

## **PROCEDURES:**

Chapter 216, F.S., establishes three levels of legislative involvement in proposed agency actions that impact the state budget: **Notification, Consultation, or Approval**. The degree of legislative involvement for each type of action proposed by an agency is based on the degree of authority for independent budget action specifically delegated to the executive and judicial branches. The types of proposed agency actions and the level of legislative involvement established in Chapter 216, F.S., are summarized below and detailed in Attachment 5.

**Section 216.177(2)(b), F.S., provides that the Legislature, through notification by the Chair of the Legislative Budget Commission or of the two Presiding Officers, may object to any proposed agency action that exceeds the delegated authority of the executive or judicial branches, whether or not that action is subject to legislative consultation or approval.**

### **Actions that require APPROVAL of the Legislative Budget Commission:**

Proposed budget actions that require Legislative Budget Commission approval prior to implementation include those that implement agency reorganizations, initiate new programs, or transfer appropriations in a manner or amount that exceeds authority specifically delegated in Chapter 216, F.S.

### **Procedures:**

1. Agencies requesting budget amendments that require approval of the Legislative Budget Commission must submit the original Budget Amendment form, Budget Summary form and backup material to the Executive Office of the Governor in accordance with the provisions of Office of Planning and Budgeting Procedure *Amending an Agency's Original Approved Budget*. Actions proposed by Judicial Branch agencies will be transmitted to the Governor for processing in his capacity as the state's Chief Budget Officer, and will be forwarded to the Legislature in the same manner as those submitted by Executive Branch agencies.
2. The Office of Planning and Budgeting (OPB) will perform a technical and preliminary analytical review of the request. At least three weeks prior to the next regularly scheduled Commission meeting, OPB will submit the agency request to staff of the Commission.
3. After its review and recommendations are complete, the Executive Office of the Governor shall release the amendment from BATS and transmit it electronically to the Senate and House fiscal committees with the recommendations of the Executive Office of the Governor. Additionally, the Executive Office of the Governor shall forward its recommendations and any additional supporting information received since the agency's initial submission.
4. Each item will be referred to the appropriate Commission staff for review and analysis and scheduled for a Legislative Budget Commission meeting, which is at least two (2) weeks away. Proposed agency actions that relate to emergency situations and are provided to the Commission with less than two weeks notice require approval of the Chair and Vice-Chair of the Commission prior to being placed on the agenda.
5. Staff for the affected committees or council will prepare staff recommendations, complete the Legislative Budget Commission form for budget amendments, and ensure that budget amendments needing Commission approval are expeditiously processed.

### **Actions that require CONSULTATION with the Legislature:**

Actions that agencies propose to take that allocate lump-sum appropriations, increase the number of authorized positions, or transfer or increase trust fund budget authority must be submitted to the **Legislature** for consultation.

### **Procedures:**

1. The *approval authority* for actions that require consultation with the Legislature is the Governor for the executive branch and the Chief Justice of the Supreme Court for the judicial branch, except for those that allocate funds designated as "emergency appropriations." The *approval authority* for these actions is the Governor for all agencies.
2. The approval authority is responsible for developing and publishing procedures for the internal processing of requests for actions requiring consultation with the Legislature.
3. Unless a shorter period is approved in writing by the Chair of the Legislative Budget Commission, the *consultation period* is 14 days, or at least three working days if the action is for the release of appropriated funds or for actions transferring up to 10 percent of district budgets in the Department of Children and Family Services.
4. Actions approved by the Governor will be transmitted to the Legislature for consultation.

Actions approved by the Chief Justice will be transmitted to the Governor for processing in his capacity as the state's Chief Budget Officer, and will be forwarded to the Legislature in the same manner as those approved by the Governor.

5. Staff of the Office of Planning and Budgeting will record the budget amendment in the Budget Amendment Tracking System (BATS) and transmit the record electronically to legislative staff.
6. Copies of the agency request, the action of the approval authority, and all relevant supporting documents will be forwarded to staff of the Senate and House fiscal committees. Receipt of the paper copies will constitute the start of the consultation period.
7. If neither the Chair of the Legislative Budget Commission nor the President of the Senate and Speaker of the House of Representatives object in writing to the approval authority, the action will be posted to the Appropriations Ledger and transmitted to the Comptroller by the Executive Office of the Governor upon the expiration of the consultation period.
8. If requested to do so by either Presiding Officer or either Appropriations Committee chair, the Legislative Budget Commission, through its Chair, shall direct that a proposed action be stayed until after it can be considered by the full Legislative Budget Commission. The Chair's direction shall be made in writing to the approval authority with a copy to the Comptroller.
9. Upon submission of an objection, designated legislative staff shall prepare the Legislative Budget Commission form (Attachment 2).

#### **Actions that require NOTIFICATION to the Legislature:**

Actions that agencies propose to take within the authority delegated to them in s. 216.292, F.S., generally require only notification of the Legislature. Such actions include:

- Transferring up to 5% or \$150,000, whichever is greater, of appropriations funded from identical funding sources (except for fixed capital outlay) between categories of appropriation within a budget entity;
- Transferring up to 5% or \$150,000, whichever is greater, of appropriations funded from identical funding sources (except for fixed capital outlay) between budget entities within identical appropriation categories.

(See Attachment 5. for a detailed list of actions that require notification to the Legislature.)

#### **Procedures:**

1. The *approval authority* for proposed agency actions that require notification of the Legislature is agency heads for agencies of the executive branch and the Chief Justice of the Supreme Court for the judicial branch.
2. If requested to do so by either Presiding Officer or either Appropriations Committee chair, the Legislative Budget Commission, through its Chair, shall direct that a proposed action be stayed until after it can be considered by the full Legislative Budget Commission. The Chair's direction shall be made in writing to the approval authority with a copy to the Comptroller.
3. Upon submission of an objection, the appropriate staff shall prepare the Legislative Budget Commission form (Attachment 2) and proceed in accordance with the provisions of section, below.
4. In consultation with the Comptroller, the Executive Office of the Governor is responsible

for developing and publishing procedures for the handling of budget amendments requiring notification to the Legislature.

### **Legislative Budget Commission Meetings:**

Meetings of the Legislative Budget Commission will be regularly scheduled in the annual calendar (Attachment 1). Additional meetings may be scheduled as necessary upon the call of the Chair of the Commission. The Secretary of the Senate and the Clerk of the House of Representatives, will issue notice of Legislative Budget Commission Meetings no less than seven (7) days prior to the meeting date.

### **Procedures:**

- 1) The Legislative Budget Commission will be governed by joint rules of the Senate and House of Representatives.
- 2) The Legislative Budget Commission agenda will consist of the following parts:
  - a) Budget amendments;
  - b) Objections to agency actions or proposed agency actions;
  - c) Zero-based budgeting instructions and reports; and
  - d) Other actions as necessary.
- 3) The Legislative Budget Commission agenda will be prepared, coordinated, published, and distributed in accordance with the dates indicated in the Legislative Budget Commission calendar and the format of Attachment 3.
- 4) The Commission will be staffed jointly by the fiscal committees of the Senate and House of Representatives. The Chair will approve the agenda.
- 5) The house responsible for staffing the Commission will designate a Commission secretary who will be responsible for preparing the Legislative Budget Commission agenda.
- 6) The agenda and all supporting forms and information will be transmitted to members of the Legislative Budget Commission via electronic transmission or overnight mail no later than one week prior to the next regularly scheduled meeting. The agenda with Legislative Budget Commission forms will also be made available electronically to all members of the Senate and House no later than one week before the scheduled meeting.
- 7) Staff Directors of the Senate and House fiscal committees, or their designees, will present agenda items to the Legislative Budget Commission. Agency or OPB staff will be available to explain proposed amendments to the Commission.
- 8) After the Legislative Budget Commission meeting:
  - a) Commission staff will update the Legislative Budget Commission form to reflect Commission action.
  - b) The Commission secretary will:
    - i) Notify the Executive Office of the Governor in writing of Commission action (see Attachment 4); and
    - ii) Ensure that Commission actions with the completed Commission forms are posted on the Legislative web site within 2 working days after the Commission meeting.
  - c) The Executive Office of the Governor will post approved budget amendments to the appropriations ledger and distribute the notification of the Commission's action in accordance with the procedures outlined in Office of Planning and Budgeting *Procedure Amending an Agency's Original Approved Budget*.

- 9) Paper copies of the agenda with all supporting forms and information shall constitute the official record of the Commission meeting. The house responsible for staffing the Commission will maintain these records.

**Zero-based budgeting:**

Section 216.1825, F.S., directs the Legislative Budget Commission to implement zero-based budget reviews of all state agencies on an eight-year cycle beginning with the 2000-2001 fiscal year.

**Procedures:**

1. Instructions for agency preparation of zero-based budgets will be presented annually to the Legislative Budget Commission for approval. For FY 2000-01, the instructions will be considered at the Commission's August meeting. Thereafter, the instructions will be considered at the Commission's June meeting.
2. Reports of the Commission's zero-based budgeting review will be considered at its December meeting for presentation to the President of the Senate and Speaker of the House of Representatives no later than December 31.
3. By February 1, 2001, the Commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting review of all state agencies on an eight-year cycle.

Attachments:

1. Legislative Budget Commission Calendar
2. Legislative Budget Commission Form
3. Legislative Budget Commission Agenda
4. Legislative Budget Commission Action Notification Form
5. Detail List of Types of Budget Amendments that Require Notification, Consultation, or Approval